

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TOMAS CUESTA, SR.,

Petitioner,

v.

STATE OF WISCONSIN and
WARDEN WILLIAM POLLARD,

Respondents.

OPINION AND ORDER

10-cv-107-slc¹

Petitioner Tomas Cuesta, Sr., has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. He has paid the \$5 filing fee. Pursuant to 28 U.S.C. § 2254, a federal court can entertain an application for a writ of habeas corpus brought by a state prisoner who is in custody “pursuant to the judgment of a State court.” Cuesta has not, however, specified what state court judgment he is challenging or the details of his efforts to exhaust his state court remedies. Rather, he has submitted a 20-page recitation of arguments as to why his custody is unconstitutional.

Under the circumstances, it is appropriate to require Petitioner Cuesta to resubmit his claims on one of this court's pre-printed § 2254 claim forms included with this order. In filling out this form, Cueata should carefully fill out the sections asking for information

¹This case has been assigned to Magistrate Judge Stephen Crocker. At this early date consents to the magistrate judge’s jurisdiction have not yet been filed by the parties to this action. Therefore, for the purpose of issuing this order, Judge Conley is acting for the court.

about his conviction and exhaustion of state court remedies on each of his claims asserted here. This is important because unless Cuesta has exhausted his claims by pursuing them all the way to the Supreme Court, he may not seek relief in federal court under § 2254.

Additionally, Petitioner Cuesta should present his habeas claims more briefly and clearly than presented in his original petition. A “headline” approach to each claim for relief is all that is needed, followed by no more than one or two paragraphs of explanation laying the foundation for the claim. Each claim of a violation of the laws or Constitution of the United States should be set forth separately. Brevity and clarity would be extremely helpful to the court and thus of greater benefit to petitioner in having his claims considered.

Petitioner should submit his completed form to the court not later than May 28, 2010. Once received, the court will proceed to determine whether petitioner may proceed under § 2254.

Entered this 12th day of May, 2010.

BY THE COURT:

/s/

WILLIAM M. CONLEY
Magistrate Judge